

EXHIBIT 8

Johnson, Jeff P. (SHB)

From: Tiffany R. Ellis <tellis@peifferwolf.com>
Sent: Wednesday, June 19, 2024 5:28 PM
To: Shortnacy, Michael (SHB); Johnson, Jeff P. (SHB); Oot, Patrick L. (SHB); Slondon@lchb.com; Luhana@chaffinluhana.com; Veronica Stewart; ubermdlplaintiffsliaison@lchb.com; Uber MDL Discovery Team; ksmith@paulweiss.com; jphillips@paulweiss.com; Rachel Abrams
Cc: Martin Neira; Sara Craig; Holly Culbertson; Archer, Hazel; Woods, Caitlin M.; Michael Sweet
Subject: RE: Privilege Clawback M&C

EXTERNAL

Michael -

While we disagree that the joint letter should be filed on Friday (as opposed to Monday), we do not object to filing it on Friday. Additionally, we also withdraw our privilege challenge at this time to document 262.

Please let us know when to expect your updated section.

Tiffany R. Ellis
Partner

PEIFFERWOLF
CARR KANE CONWAY & WISE

Detroit MI
I **Direct:** 313-210-1559 I **Fax:** 415-840-9435

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From: Shortnacy, Michael (SHB) <mshortnacy@shb.com>
Sent: Tuesday, June 18, 2024 10:43 PM
To: Tiffany R. Ellis <tellis@peifferwolf.com>; Johnson, Jeff P. (SHB) <jpjohnson@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Slondon@lchb.com; Luhana@chaffinluhana.com; Veronica Stewart <vstewart@peifferwolf.com>; ubermdlplaintiffsliaison@lchb.com; Uber MDL Discovery Team <ubermdldiscovery@chaffinluhana.com>; ksmith@paulweiss.com; jphillips@paulweiss.com; Rachel Abrams <rabrams@peifferwolf.com>
Cc: Martin Neira <mneira@WalkupLawOffice.com>; Sara Craig <scraig@peifferwolf.com>; Holly Culbertson <Culbertson@chaffinluhana.com>; Archer, Hazel <harcher@lchb.com>; Woods, Caitlin M. <cwoods@lchb.com>; Michael Sweet <sweet@chaffinluhana.com>
Subject: RE: Privilege Clawback M&C

Tiffany,

We are evaluating the substance of your response and position statement below, but wanted to respond to the point you raise on timing, without delay. The answer is that the 10 business days referenced in PTO 14 sets an outside limit (as backstop against recalcitrant parties), but not a mandate the parties wait 10 days: “if the conference does not resolve the dispute, within ten (10) business days of the conference, the parties shall submit the dispute to Judge Cisneros for resolution in a joint letter.” PTO 14 at 2-3. Uber has commenced the PTO 8 joint letter process, requiring Plaintiffs’ submission of their part, and filing by Friday.

Hope this helps give color for you on Uber’s position, and Plaintiffs’ obligations.

Michael

Michael B. Shortnacy

Partner

Shook, Hardy & Bacon L.L.P.

2121 Avenue of the Stars, Suite 1400

Los Angeles, CA 90067

T: 424-324-3494 | mshortnacy@shb.com

***Please note new mailing address**



From: Tiffany R. Ellis <tellis@peifferwolf.com>

Sent: Tuesday, June 18, 2024 2:56 PM

To: Johnson, Jeff P. (SHB) <jpjohnson@shb.com>; Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Slondon@lchb.com; Luhana@chaffinluhana.com; Veronica Stewart <vstewart@peifferwolf.com>; ubermldplaintiffsliaison@lchb.com; Uber MDL Discovery Team <ubermlddiscovery@chaffinluhana.com>; ksmith@paulweiss.com; jphillips@paulweiss.com; Rachel Abrams <rabrams@peifferwolf.com>

Cc: Martin Neira <mneira@WalkupLawOffice.com>; Sara Craig <scraig@peifferwolf.com>; Holly Culbertson <Culbertson@chaffinluhana.com>; Archer, Hazel <harcher@lchb.com>; Woods, Caitlin M. <cwoods@lchb.com>; Michael Sweet <sweet@chaffinluhana.com>

Subject: RE: Privilege Clawback M&C

EXTERNAL

Counsel -

Thank you for your portion of the draft joint statement and the declarations. This additional information was helpful to refine the bounds of our dispute.

Based on the new declarations, Plaintiffs will withdraw our objection to Uber’s notice of clawback of document UBER-MDL3084-000093397 (480) but do not concede this document is privileged.

With respect to the other documents, I would like to clarify:

UBER-MDL3084-000093375 (262): The dates and times in this copy of this e-mail thread jump around and are not chronological. Plaintiffs assert that any communication which appears in the document starting on UBER-MDL-3084-000093378, which occurred chronologically after Matthew Baker’s April 22, 2017 e-mail at 1:28 pm, is not privileged. Plaintiffs do not challenge communications on this document that occurred prior to that email.

UBER-MDL3084-000093385 (420) & UBER-MDL3084-000093391 (421): Plaintiffs do not dispute at this time the privilege assertion over any correspondence appearing in these documents later-in-time than Valerie Shuping's August 20, 2019 email at 7:03 PM, starting on Uber MDL-3084-000093393, and only challenge these emails by Valerie Shuping at this time.

UBER-MDL3084-93421 (PRLOG489). Plaintiff do dispute that this document is privileged.

Finally, can you please explain how you concluded that our joint submission is due to the Court on Friday? Feel free to reach my on my cell phone if it is easier to discuss. 573-268-7428

Tiffany R. Ellis

Partner



Detroit MI

I **Direct:** 313-210-1559 I **Fax:** 415-840-9435

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From: Johnson, Jeff P. (SHB) <jpjohnson@shb.com>

Sent: Tuesday, June 18, 2024 10:26 AM

To: Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Tiffany R. Ellis <tellis@peifferwolf.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Slondon@lchb.com; Luhana@chaffinluhana.com; Veronica Stewart <vstewart@peifferwolf.com>; ubermdlplaintiffsliaison@lchb.com; Uber MDL Discovery Team <ubermdldiscovery@chaffinluhana.com>; ksmith@paulweiss.com; jphillips@paulweiss.com; Rachel Abrams <rabrams@peifferwolf.com>

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Subject: RE: Privilege Clawback M&C

Counsel,

Please find Uber's portion of the letter brief in the attached Word doc. We've also included declarations that we intend to file with it.

Best,
Jeff

From: Shortnacy, Michael (SHB) <mshortnacy@shb.com>

Sent: Monday, June 17, 2024 11:03 PM

To: Tiffany R. Ellis <tellis@peifferwolf.com>; Johnson, Jeff P. (SHB) <jpjohnson@shb.com>; Oot, Patrick L. (SHB)

<OOT@shb.com>; Slondon@lchb.com; Luhana@chaffinluhana.com; Veronica Stewart <vstewart@peifferwolf.com>; ubermdlplaintiffsliaison@lchb.com; Uber MDL Discovery Team <ubermdldiscovery@chaffinluhana.com>; ksmith@paulweiss.com; jphillips@paulweiss.com; Rachel Abrams <rabel@peifferwolf.com>
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Subject: RE: Privilege Clawback M&C

Tiffany,

This is the first time Plaintiffs have stated any position in connection with the clawback. This pattern of delay since Uber first sent the clawback notice on May 10 is disappointing as we expressed in last Monday's meet and confer when we also asked for Plaintiffs' position (to no avail). You are reminded again of your obligation to sequester these documents, and of the obligation to maintain access logs and audit trails for the privileged documents in plaintiffs' possession, as discovery of this may be relevant.

The timing you propose below does not comply with either PTO 8 nor 14. Uber will provide its portion of the joint letter brief tomorrow morning ET, and we will file it with the Court on Friday either with Plaintiffs' position, or with a statement explaining that Plaintiffs have not provided one. We also intend to raise this with the Court on Friday's hearing.

Michael

Michael B. Shortnacy

Partner

Shook, Hardy & Bacon L.L.P.

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Los Angeles, CA 90067

T: 424-324-3494 | mshortnacy@shb.com

***Please note new mailing address**



From: Tiffany R. Ellis <tellis@peifferwolf.com>

Sent: Monday, June 17, 2024 7:57 PM

To: Johnson, Jeff P. (SHB) <jpjohnson@shb.com>; Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Slondon@lchb.com; Luhana@chaffinluhana.com; Veronica Stewart <vstewart@peifferwolf.com>; ubermdlplaintiffsliaison@lchb.com; Uber MDL Discovery Team <ubermdldiscovery@chaffinluhana.com>; ksmith@paulweiss.com; jphillips@paulweiss.com; Rachel Abrams <rabel@peifferwolf.com>

Cc: Martin Neira <mneira@WalkupLawOffice.com>; Sara Craig <scraig@peifferwolf.com>; Holly Culbertson <Culbertson@chaffinluhana.com>; Archer, Hazel <harcher@lchb.com>; Woods, Caitlin M. <cwoods@lchb.com>; Michael Sweet <sweet@chaffinluhana.com>

Subject: RE: Privilege Clawback M&C

EXTERNAL

Jeff -

I am writing to confirm that Uber's May 10 Notice of Clawback Challenge and our subsequent meet and confer did not resolve the disputes regarding UBER-MDL3084-000093375, UBER-MDL3084-000093385, UBER-MDL3084-000093391, UBER-MDL3084-000093397, and/or UBER-MDL3084-000093421.

In accordance with PTO 14, "if the conference does not resolve the dispute, within ten (10) business days of the conference, the parties shall submit the dispute to Judge Cisneros for resolution in a joint letter." PTO 14 at 2-3. Accordingly, our joint letter is due to the Court on Monday, June 24, 2024. Plaintiffs may assert at least the following reasons:

1. **Uber has not presented enough information to assess privilege.** The documents in Uber's Notice of Clawback Challenge were produced without metadata or any other details that allow Plaintiffs or this Court to assess privilege. This information includes, but is not limited to, the name / title of document custodians and / or familial relationships. This information is vital to assess privilege when, as here, the attorney client privilege does not involve outside counsel.
2. **The Documents are Responsive to Plaintiffs' Discovery Requests.** Defendants claim that because these documents were not produced in any underlying litigation subject to PTO 5, they should not have been produced in the MDL. As discussed, these documents are responsive to numerous Requests for Production made by Plaintiffs on February 28, 2024. These requests may include, but are not limited to: RFP Nos. 20, 21, 29, 30, 53, 59, 63, 68, 97, 105, 110, 112, 113, and / or 115.
3. **Prior Courts' Privilege Rulings are not Binding.** That some of these documents were ruled upon in a previous state court litigation(s) is not determinative in the MDL. There are differences between state and federal privilege and, at least one of these documents -- UBER-MDL3084-000093421 -- was never examined by the state court judge.
4. **Attorney Client privilege is limited at best.** Based on the information provided, privilege does not exist or it is at least limited:

UBER-MDL3084-000093375 (262). Plaintiffs concede that correspondence on this thread dated April 21, 2017 or before may be privileged. The correspondence after this date appears to be focused on business operations. References to the SIGMA business methodology supports this conclusion.

UBER-MDL3084-000093385 (420) & UBER-MDL3084-000093391 (421). Similarly, Plaintiffs concede that correspondence produced in this thread beginning August 22, 2019 at 10:55 am (sender: Maureen Frangopoulos) may be privileged. However, all of the correspondence after this date appears to be focused on business operations.

UBER-MDL3084-000093397 (480). While this slide show is marked "Attorney-Client Privileged", Uber has provided nothing to show that this document was, in fact, sent to Uber's in-house counsel. Without any actual involvement of or communication to counsel this document is not protected by privilege.

UBER-MDL3084-000093421 (489). This document, titled "Comms Plan", does not include any legal advice. Nor has Uber provided any information to support the conclusion that any legal counsel was involved in its creation or review. On the contrary, Uber's May 30 letter suggests that it was shared within Uber far beyond any in-house counsel.

Please let us know by Wednesday, June 19, if Uber is willing to withdraw its claim of privilege over any of these documents or any portion thereof. If a dispute remains after Wednesday we propose an exchange of joint letter brief sections at 12:00 PT, Friday, June 20, an exchange of final sections by 3:00 PT, Monday June 24, and filing at 5:00 PT on Monday June 24.

Thank you also for sending meeting invites last week! It would be great if we could avoid similar scheduling challenges by ensuring that schedules and times zones are still accurate before those invitations are sent.

Tiffany R. Ellis

Partner



Detroit MI

I **Direct:** 313-210-1559 I **Fax:** 415-840-9435

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From: Tiffany R. Ellis

Sent: Monday, June 10, 2024 10:54 AM

To: Johnson, Jeff P. (SHB) <jpjohnson@shb.com>; Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Slondon@lchb.com; Luhana@chaffinluhana.com; Veronica Stewart <vstewart@peifferwolf.com>; ubermldplaintiffsliaison@lchb.com; Uber MDL Discovery Team <ubermlddiscovery@chaffinluhana.com>; ksmith@paulweiss.com; jphillips@paulweiss.com; Rachel Abrams <rabrams@peifferwolf.com>

Cc: Martin Neira <mneira@WalkupLawOffice.com>; Sara Craig <scraig@peifferwolf.com>; Holly Culbertson <Culbertson@chaffinluhana.com>; Archer, Hazel <harcher@lchb.com>; Woods, Caitlin M. <cwoods@lchb.com>; Michael Sweet <sweet@chaffinluhana.com>

Subject: RE: Privilege Clawback M&C

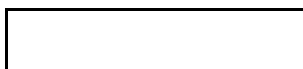
Jeff,

Perhaps you were aware, but I have just learned, that there is another meet and confer in this matter related to search terms and custodians that is set for 2:00 Eastern.

To ensure our call is productive as possible and that all parties have their teams available, I suggest we move the start time of our call until after the prior meet and confer concludes. Does 3:30 ET work?

Tiffany R. Ellis

Partner



Detroit MI

I **Direct:** 313-210-1559 I **Fax:** 415-840-9435

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From: Johnson, Jeff P. (SHB) <jpjohnson@shb.com>

Sent: Monday, June 10, 2024 10:04 AM

To: Tiffany R. Ellis <tellis@peifferwolf.com>; Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Slondon@lchb.com; Luhana@chaffinluhana.com; Veronica Stewart <vstewart@peifferwolf.com>; ubermddlplaintiffsliaison@lchb.com; Uber MDL Discovery Team <ubermddiscovery@chaffinluhana.com>; ksmith@paulweiss.com; jphillips@paulweiss.com; Rachel Abrams <rabrams@peifferwolf.com>

Cc: Martin Neira <mneira@WalkupLawOffice.com>; Sara Craig <scraig@peifferwolf.com>; Holly Culbertson <Culbertson@chaffinluhana.com>; Archer, Hazel <harcher@lchb.com>; Woods, Caitlin M. <cwoods@lchb.com>; Michael Sweet <sweet@chaffinluhana.com>

Subject: RE: Privilege Clawback M&C

Tiffany-

We're available at 2:30 Eastern/ 1:30 Central/ 12:30 Pacific.

Best,
Jeff

From: Tiffany R. Ellis <tellis@peifferwolf.com>

Sent: Friday, June 7, 2024 11:10 AM

To: Johnson, Jeff P. (SHB) <jpjohnson@shb.com>; Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Slondon@lchb.com; Luhana@chaffinluhana.com; Veronica Stewart <vstewart@peifferwolf.com>; ubermddlplaintiffsliaison@lchb.com; Uber MDL Discovery Team <ubermddiscovery@chaffinluhana.com>; ksmith@paulweiss.com; jphillips@paulweiss.com; Rachel Abrams <rabrams@peifferwolf.com>

Cc: Martin Neira <mneira@WalkupLawOffice.com>; Sara Craig <scraig@peifferwolf.com>; Holly Culbertson <Culbertson@chaffinluhana.com>; Archer, Hazel <harcher@lchb.com>; Woods, Caitlin M. <cwoods@lchb.com>; Michael Sweet <sweet@chaffinluhana.com>

Subject: RE: Privilege Clawback M&C

EXTERNAL

Jeff,

Thank you for the clarification. Given this confusion and the hearing later today I would like to move this conference to Monday.

Are Defendants available at 2:30, 3:00, or 3:30 ET?

Tiffany R. Ellis

Partner



Detroit MI

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-----Original Appointment-----

From: Johnson, Jeff P. (SHB) <jpjohnson@shb.com>

Sent: Friday, June 7, 2024 9:29 AM

To: Shortnacy, Michael (SHB); Tiffany R. Ellis; Oot, Patrick L. (SHB); Slondon@lchb.com; Luhana@chaffinluhana.com; Veronica Stewart; ubermdlplaintiffsliaison@lchb.com; Uber MDL Discovery Team; ksmith@paulweiss.com; jphillips@paulweiss.com; Rachel Abrams

Cc: Martin Neira; Sara Craig; Holly Culbertson; Archer, Hazel; Woods, Caitlin M.; Michael Sweet

Subject: Privilege Clawback M&C

When: Friday, June 7, 2024 11:30 AM-12:00 PM (UTC-06:00) Central Time (US & Canada).

Where: Z0om; <https://shb.zoom.us/j/98043826094?pwd=HooMpumVfEbTaCpq1xDzuEbSAevOLD.1>

I apologize Tiffany, I originally set it for 12:30 PT.

[Join Zoom Meeting](#)

Password: 128708

Join by Telephone

Dial: US: +1 312 626 6799
US: +1 267 831 0333
US: +1 253 215 8782
US: +1 346 248 7799
US: +1 213 338 8477
US: 877 853 5257 (Toll Free)
US: 888 475 4499 (Toll Free)
US: 833 548 0276 (Toll Free)
US: 833 548 0282 (Toll Free)

Meeting ID: 980 4382 6094

Password: 128708

Mobile Call: US: [Tap Here](#)

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